

HB 1376 - H AMD 1167

By Representative Goodman

1 Beginning on page 2, line 3, strike all of section 2 and insert
2 the following:

3 **"Sec. 2.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
8 or injury of a child by any person under circumstances which cause
9 harm to the child's health, welfare, or safety, excluding conduct
10 permitted under RCW 9A.16.100; or the negligent treatment or
11 maltreatment of a child by a person responsible for or providing care
12 to the child. An abused child is a child who has been subjected to
13 child abuse or neglect as defined in this section.

14 (2) "Child" or "children" means any person under the age of
15 eighteen years of age.

16 (3) "Child forensic interview" means a developmentally sensitive
17 and legally sound method of gathering factual information regarding
18 allegations of child abuse, child neglect, or exposure to violence.
19 This interview is conducted by a competently trained, neutral
20 professional utilizing techniques informed by research and best
21 practice as part of a larger investigative process.

22 (4) "Child protective services" means those services provided by
23 the department designed to protect children from child abuse and
24 neglect and safeguard such children from future abuse and neglect,
25 and conduct investigations of child abuse and neglect reports.
26 Investigations may be conducted regardless of the location of the
27 alleged abuse or neglect. Child protective services includes referral
28 to services to ameliorate conditions that endanger the welfare of
29 children, the coordination of necessary programs and services
30 relevant to the prevention, intervention, and treatment of child
31 abuse and neglect, and services to children to ensure that each child
32 has a permanent home. In determining whether protective services

1 should be provided, the department shall not decline to provide such
2 services solely because of the child's unwillingness or developmental
3 inability to describe the nature and severity of the abuse or
4 neglect.

5 (5) "Child protective services section" means the child
6 protective services section of the department.

7 (6) "Child who is a candidate for foster care" means a child who
8 the department identifies as being at imminent risk of entering
9 foster care but who can remain safely in the child's home or in a
10 kinship placement as long as services or programs that are necessary
11 to prevent entry of the child into foster care are provided, and
12 includes but is not limited to a child whose adoption or guardianship
13 arrangement is at risk of a disruption or dissolution that would
14 result in a foster care placement. The term includes a child for whom
15 there is reasonable cause to believe that any of the following
16 circumstances exist:

17 (a) The child has been abandoned by the parent as defined in RCW
18 13.34.030 and the child's health, safety, and welfare is seriously
19 endangered as a result;

20 (b) The child has been abused or neglected as defined in this
21 chapter ((~~26.44-RCW~~)) and the child's health, safety, and welfare is
22 seriously endangered as a result;

23 (c) There is no parent capable of meeting the child's needs such
24 that the child is in circumstances that constitute a serious danger
25 to the child's development;

26 (d) The child is otherwise at imminent risk of harm.

27 (7) "Children's advocacy center" means a child-focused facility
28 in good standing with the state chapter for children's advocacy
29 centers and that coordinates a multidisciplinary process for the
30 investigation, prosecution, and treatment of sexual and other types
31 of child abuse. Children's advocacy centers provide a location for
32 forensic interviews and coordinate access to services such as, but
33 not limited to, medical evaluations, advocacy, therapy, and case
34 review by multidisciplinary teams within the context of county
35 protocols as defined in RCW 26.44.180 and 26.44.185.

36 (8) "Clergy" means any regularly licensed or ordained minister,
37 priest, or rabbi of any church or religious denomination, whether
38 acting in an individual capacity or as an employee or agent of any
39 public or private organization or institution.

1 (9) "Court" means the superior court of the state of Washington,
2 juvenile department.

3 (10) "Department" means the department of children, youth, and
4 families.

5 (11) "Family assessment" means a comprehensive assessment of
6 child safety, risk of subsequent child abuse or neglect, and family
7 strengths and needs that is applied to a child abuse or neglect
8 report. Family assessment does not include a determination as to
9 whether child abuse or neglect occurred, but does determine the need
10 for services to address the safety of the child and the risk of
11 subsequent maltreatment.

12 (12) "Family assessment response" means a way of responding to
13 certain reports of child abuse or neglect made under this chapter
14 using a differential response approach to child protective services.
15 The family assessment response shall focus on the safety of the
16 child, the integrity and preservation of the family, and shall assess
17 the status of the child and the family in terms of risk of abuse and
18 neglect including the parent's or guardian's or other caretaker's
19 capacity and willingness to protect the child and, if necessary, plan
20 and arrange the provision of services to reduce the risk and
21 otherwise support the family. No one is named as a perpetrator, and
22 no investigative finding is entered in the record as a result of a
23 family assessment.

24 (13) "Founded" means the determination following an investigation
25 by the department that, based on available information, it is more
26 likely than not that child abuse or neglect did occur.

27 (14) "Inconclusive" means the determination following an
28 investigation by the department of social and health services, prior
29 to October 1, 2008, that based on available information a decision
30 cannot be made that more likely than not, child abuse or neglect did
31 or did not occur.

32 (15) "Institution" means a private or public hospital or any
33 other facility providing medical diagnosis, treatment, or care.

34 (16) "Law enforcement agency" means the police department, the
35 prosecuting attorney, the state patrol, the director of public
36 safety, or the office of the sheriff.

37 (17) "Malice" or "maliciously" means an intent, wish, or design
38 to intimidate, annoy, or injure another person. Such malice may be
39 inferred from an act done in willful disregard of the rights of
40 another, or an act wrongfully done without just cause or excuse, or

1 an act or omission of duty betraying a willful disregard of social
2 duty.

3 (18) "Negligent treatment or maltreatment" means an act or a
4 failure to act, or the cumulative effects of a pattern of conduct,
5 behavior, or inaction, that evidences a serious disregard of
6 consequences of such magnitude as to constitute a clear and present
7 danger to a child's health, welfare, or safety, including but not
8 limited to conduct prohibited under RCW 9A.42.100. When considering
9 whether a clear and present danger exists, evidence of a parent's
10 substance abuse as a contributing factor to negligent treatment or
11 maltreatment shall be given great weight. The fact that siblings
12 share a bedroom is not, in and of itself, negligent treatment or
13 maltreatment. Poverty, homelessness, or exposure to domestic violence
14 as defined in RCW 26.50.010 that is perpetrated against someone other
15 than the child does not constitute negligent treatment or
16 maltreatment in and of itself. Under this chapter, health care
17 decisions made in reliance on faith-based practices do not in and of
18 themselves constitute negligent treatment or maltreatment unless any
19 such decision poses a clear and present danger to the health,
20 welfare, or safety of the child.

21 (19) "Pharmacist" means any registered pharmacist under chapter
22 18.64 RCW, whether acting in an individual capacity or as an employee
23 or agent of any public or private organization or institution.

24 (20) "Practitioner of the healing arts" or "practitioner" means a
25 person licensed by this state to practice podiatric medicine and
26 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
27 medicine and surgery, or medicine and surgery or to provide other
28 health services. The term "practitioner" includes a duly accredited
29 Christian Science practitioner. (~~(A person who is being furnished~~
30 ~~Christian Science treatment by a duly accredited Christian Science~~
31 ~~practitioner will not be considered, for that reason alone, a~~
32 ~~neglected person for the purposes of this chapter.))~~

33 (21) "Prevention and family services and programs" means specific
34 mental health prevention and treatment services, substance abuse
35 prevention and treatment services, and in-home parent skill-based
36 programs that qualify for federal funding under the federal family
37 first prevention services act, P.L. 115-123. For purposes of this
38 chapter, prevention and family services and programs are not remedial
39 services or family reunification services as described in RCW
40 13.34.025(2).

1 (22) "Professional school personnel" include, but are not limited
2 to, teachers, counselors, administrators, child care facility
3 personnel, and school nurses.

4 (23) "Psychologist" means any person licensed to practice
5 psychology under chapter 18.83 RCW, whether acting in an individual
6 capacity or as an employee or agent of any public or private
7 organization or institution.

8 (24) "Screened-out report" means a report of alleged child abuse
9 or neglect that the department has determined does not rise to the
10 level of a credible report of abuse or neglect and is not referred
11 for investigation.

12 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or
13 encouraging a child to engage in prostitution by any person; or (b)
14 allowing, permitting, encouraging, or engaging in the obscene or
15 pornographic photographing, filming, or depicting of a child by any
16 person.

17 (26) "Sexually aggressive youth" means a child who is defined in
18 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

19 (27) "Social service counselor" means anyone engaged in a
20 professional capacity during the regular course of employment in
21 encouraging or promoting the health, welfare, support, or education
22 of children, or providing social services to adults or families,
23 including mental health, drug and alcohol treatment, and domestic
24 violence programs, whether in an individual capacity, or as an
25 employee or agent of any public or private organization or
26 institution.

27 (28) "Unfounded" means the determination following an
28 investigation by the department that available information indicates
29 that, more likely than not, child abuse or neglect did not occur, or
30 that there is insufficient evidence for the department to determine
31 whether the alleged child abuse did or did not occur."

32 Correct the title.

EFFECT: Makes technical corrections to reflect changes made to a
statute as a result of 2019 legislation.

--- END ---